

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

INTERNATIONAL STRATEGIES  
GROUP, LTD.,

*Plaintiff,*

v.

STEPHEN C. HEFFERNAN,

*Defendant.*

Civil Action  
No. 04CV10863RWZ

**DEFENDANT'S MOTION TO DISMISS THE  
COMPLAINT**

Defendant Stephen C. Heffernan hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6) and Local Rule 7.1, to dismiss all counts of the Complaint filed by plaintiff, International Strategies Group, Ltd.

As grounds therefore, defendant respectfully refers to and incorporates herein by reference the accompanying Defendant Stephen C. Heffernan's Memorandum In Support Of His Motion To Dismiss The Complaint and Affidavit Of Thomas S. Fitzpatrick.

**WHEREFORE**, defendant respectfully requests that this Court dismiss all counts of the plaintiff's Complaint and grant such other and further relief as the Court deems just and proper.

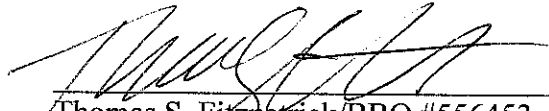
**REQUEST FOR ORAL ARGUMENT**

Defendant hereby respectfully requests oral argument on his Motion To Dismiss The Complaint.

Defendant,

**STEPHEN C. HEFFERNAN**

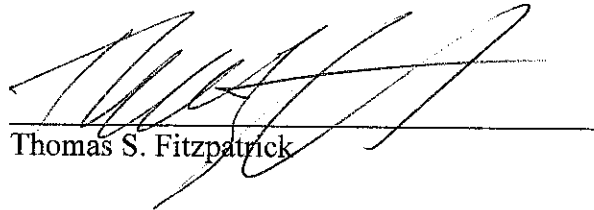
By his attorneys,



Thomas S. Fitzpatrick/BBO #556453  
DAVIS, MALM & D'AGOSTINE, P.C.  
One Boston Place, 37<sup>th</sup> Floor  
Boston, MA 02108  
(617) 367-2500

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

I, Thomas S. Fitzpatrick, hereby certify that on May 17, 2004, I conducted a Local Rule 7.1(A)(2) teleconference with Kathleen Stone, Esq., counsel for the plaintiff, in a good faith effort to resolve or narrow the issues raised by the above motion. Despite our efforts, Ms. Stone and I were unable to narrow or resolve the issues.

  
Thomas S. Fitzpatrick

Dated: May 19, 2004

I HEREBY CERTIFY THAT A COPY OF THE ABOVE DOCUMENT  
WAS SERVED UPON THE ATTORNEY OF RECORD FOR EACH  
PARTY BY MAIL/HAND ON 5-19-04

